

In the 1998 *Second Louisiana Order*, this Commission found that BellSouth had satisfied four of these eight requirements: line-side and trunk-side facilities, basic switching functions, shared trunk ports, and unbundled tandem switching. *See Second Louisiana Order* ¶¶ 210, 212-215, 228-229. As discussed below, in both Georgia and Louisiana, BellSouth continues to satisfy these four requirements and has fully addressed this Commission's concerns with the other four: vertical features, customized routing, usage billing for exchange access, and usage billing for reciprocal compensation.

**1. Line-Side and Trunk-Side Facilities, Basic Switching Functions, Shared Trunk Ports, and Unbundled Tandem Switching**

In both Georgia and Louisiana, BellSouth continues to have a legally binding commitment to provide the line-side and trunk-side facilities of the switch, the basic switching function, shared trunk ports, and unbundled tandem switching, and it provides CLECs unbundled switching capability with the same features and functionality available to BellSouth's own retail operations. *Milner Aff.* ¶¶ 169-172. The Commission's findings on those points in the *Second Louisiana Order* continue to apply today. BellSouth also provides CLECs with unbundled packet switching in accordance with 47 C.F.R. § 51.319(c)(3). *Id.* ¶ 177.

BellSouth makes available trunk ports on a shared basis and routing tables resident in the switch, as necessary to provide access to shared transport functionality. *Id.* ¶ 171; *see Second Louisiana Order* ¶¶ 209, 228; *Texas Order* ¶ 338. BellSouth does not require CLECs to purchase a dedicated trunk from an interexchange carrier's point of presence to a dedicated trunk port on the local switch. *Milner Aff.* ¶ 163. BellSouth also provides requesting CLECs with Feature Group D signaling where technically feasible. *Id.* ¶ 170; *Second Louisiana Order* ¶ 226. Available data confirm that BellSouth can provision unbundled switch ports in a nondiscriminatory manner. *See Varner Ga. Aff.* ¶¶ 257-259 (BellSouth met all sub-metrics for

May-July 2001); *Varner La. Aff.* ¶ 265 (although there were no data during this period in Louisiana, BellSouth's methods and procedures for unbundled switch parts are the same region-wide).

## **2. Vertical Features**

In the *Second Louisiana Order*, this Commission clarified that all vertical features loaded in the software of the switch must be offered, regardless of whether the BOC also offers them on a retail basis. *See Second Louisiana Order* ¶¶ 217-220; *see also New York Order* ¶ 397. BellSouth now offers Georgia and Louisiana CLECs all vertical features that are loaded in the switch or that are loaded but not currently activated. *Milner Aff.* ¶ 172. In addition, BellSouth will provide switch features not currently loaded in the switch at reasonable cost, pursuant to the BFR process, where technically feasible. *Id.*; *see Second Louisiana Order* ¶ 220 (BOC may require CLECs to request vertical switching features through a formal, finite process that would give the BOC an opportunity to determine their feasibility and develop the procedures for offering those features).

## **3. Customized Routing**

Customized routing allows calls from a CLEC's customer served by a BellSouth switch to reach operator services or directory assistance platforms maintained by BellSouth (branded or unbranded), the CLEC, or a third party. *Milner Aff.* ¶ 180. BellSouth provides nondiscriminatory access to technically feasible customized routing functions via two methods: Advanced Intelligent Network ("AIN") and Line Class Codes ("LCC"). *Id.* ¶ 181. Either of these methods, by itself, is sufficient to provide CLECs with customized routing functionality in accordance with the Commission's rules and orders. Indeed, these are the same two methods of

customized routing that this Commission has held to satisfy this checklist obligation in Texas. *See Texas Order* ¶¶ 340-341.

BellSouth's AIN method uses a database containing CLECs' pre-established routing choices. Built on an advantageous "hubbing" arrangement, AIN permits non-AIN-capable end office switches to use AIN customized routing. It can be used for all call types, and it optimizes the use of trunk groups through carriage of customized routing traffic over common trunk groups between the end office and the AIN hub. *Milner Aff.* ¶ 182. AIN also allows for multiple customized routing options. *Id.* ¶ 183. Although AIN was not offered when BellSouth filed its *Second Louisiana* application, *see Second Louisiana Order* ¶ 222, that is no longer the case. BellSouth completed all necessary testing; established methods and procedures for its AIN offering; and posted a Market Service Description on its interconnection website in October 2000. *Milner Aff.* ¶ 184. BellSouth thus stands ready to provide AIN for customized routing, although no CLEC has yet requested it in Georgia or Louisiana. *Id.* ¶ 185.

The line class code method, which BellSouth uses for its own customers, routes calls via a line class code in the switch. For example, when a CLEC customer dials 0 for an operator or 411 for directory assistance, routing tables identify a trunk group to the destination previously designated by the CLEC. Multiple subscribers can be served by the same line class code, which connects each of them to the same destination for the same type of call. *Id.* ¶ 186. BellSouth has provided customized routing via line class codes to one CLEC in Georgia. *Id.* ¶ 188. No CLEC in Louisiana has requested this method of customized routing, though BellSouth stands ready to provide it. *Id.*

In the *Second Louisiana Order*, this Commission held that "BellSouth should not require the competitive LEC to provide the actual line class codes, which may differ from switch to

switch, if BellSouth is capable of accepting a single code region-wide.” *Second Louisiana Order* ¶ 224. In compliance with this obligation, BellSouth provides CLECs with the option of selecting a single routing pattern for a CLEC’s customers, without having to specify the line class codes for each switch. *See Milner Aff.* ¶¶ 186-192. The GPSC has also recently required BellSouth to offer CLEC codes for multiple routing patterns without specifying line class codes, and BellSouth has a binding legal obligation to comply with that order. *See Order on Reconsideration at 3, Petition of AT&T Communications of the Southern States, Inc. and Teleport Communications Atlanta, Inc. for Arbitration of Certain Terms and Conditions of Proposed Agreement with BellSouth Telecommunications, Inc. Under the Telecommunications Act of 1996*, Docket No. 11853-U (Ga. Pub. Serv. Comm’n July 24, 2001) (App. H – Ga., Tab 15). In addition, as previously mentioned, CLECs may obtain multiple customized routing options through AIN without having to specify line class codes. *Milner Aff.* ¶ 183.

#### **4. Usage Information Necessary for Billing**

BellSouth permits CLECs to purchase switching in a manner that allows them to bill for exchange access and reciprocal compensation, addressing the Commission’s concerns regarding these two issues in the *Second Louisiana Order* (¶¶ 230, 232). To enable CLECs to do such billing, BellSouth now provides a purchaser of unbundled local switching with either: (1) actual terminating usage data indicating how many calls/minutes its customers received and identifying the carriers that originated those calls; or (2) a reasonable surrogate for this information when actual usage data are unavailable. *See id.* ¶¶ 230, 233.

With regard to exchange access, the ADUF provides the CLEC with records for billing interstate and intrastate access charges to other LECs and interexchange carriers for calls originating from and terminating to unbundled switch ports. *See Scollard Aff.* ¶ 8. Thus, the

ADUF fully resolves this Commission's concerns with respect to usage billing for exchange access.

With regard to reciprocal compensation, the BellSouth network does not have the capability to record a terminating call record when an end user served out of a BellSouth switch has placed a call to a CLEC's unbundled switch port. *Id.* ¶ 9. BellSouth does provide a reasonable surrogate, however. Because, under the rulings of the LPSC and GPSC, the local switching charges the CLEC would pay to BellSouth for these calls equal (and therefore offset) the switching component of the reciprocal compensation charges collected for the same calls, the need for the call records is obviated. *Id.*; *Ruscilli/Cox Joint Aff.* ¶ 52.

During July 2001 BellSouth provided roughly 71 million DUF records to 72 Georgia CLECs, and roughly 11 million DUF records to 45 Louisiana CLECs. *Scollard Aff.* ¶ 35. The DUF interfaces allow a CLEC to process call records in its billing systems in substantially the same manner and time frames as BellSouth processes these types of records in its own systems. *Id.*

In conclusion, BellSouth is providing CLECs with nondiscriminatory access to unbundled local switching. Thus, the Commission should find BellSouth in compliance with Checklist Item 6.

**G. Checklist Item 7: Nondiscriminatory Access to 911, E911, Directory Assistance, and Operator Call Completion Services**

BellSouth satisfies the nondiscriminatory access to 911 and E-911 requirements of Checklist Item 7, 47 U.S.C. § 271(c)(2)(B)(vii)(I), as this Commission recognized in both its *South Carolina Order* and its *Second Louisiana Order*. *South Carolina Order* ¶¶ 225-230; *Second Louisiana Order* ¶ 236. Since BellSouth currently uses the same nondiscriminatory processes and methods in Georgia and Louisiana that this Commission found sufficient in the

*South Carolina* and *Second Louisiana* proceedings, it also satisfies this requirement in Georgia and Louisiana today. *See generally Sapp Aff.*; *Milner Aff.* ¶¶ 194-229.

In its *Second Louisiana Order*, this Commission identified certain deficiencies in BellSouth's provisioning of operator services and directory assistance, as well as in the access it offered to the directory listings in its directory assistance databases. *Second Louisiana Order* ¶¶ 243, 246-247. As demonstrated below, BellSouth has corrected those deficiencies in this Application by (1) showing that disaggregation of directory assistance and operator services performance data between BellSouth and its CLEC customers is unnecessary to establish nondiscrimination and (2) providing branding of its operator or directory assistance services in compliance with the Commission's requirements.

### **1. 911 and E911 Services**

In Georgia and Louisiana, BellSouth provides CLEC customers and its own retail customers identical access to the type of 911 service (basic or enhanced) selected by the applicable local governmental body. *Sapp Aff.* ¶ 5.

CLECs that offer resale services or that purchase the UNE-P from BellSouth obtain 911 services automatically. *Id.* ¶ 10. Facilities-based providers with their own switches are responsible for getting the 911 calls to the appropriate public service answering point ("PSAP") or, if E911, to the appropriate BellSouth 911 tandem. *Id.* Facilities-based providers are also responsible for inputting their customer information into the BellSouth 911 database in the proper format. *Id.* BellSouth provides and maintains dedicated E911 circuits according to CLECs' specifications. *Id.* ¶ 23.

BellSouth contracts with an independent third party, Intrado (formerly SCC Corporation), to manage its E911 database. *Id.* ¶ 18; *Second Louisiana Order* ¶ 237. During its own nightly

review process, Intrado updates the E911 database and transmits back to BellSouth files containing the new routing information for each entry. *Sapp Aff.* ¶¶ 18-19. Validated updates are then posted to the E911 database, thereby allowing proper 911 and E911 call routing and ensuring that the relevant emergency service agency receives only the most current location information. *Id.* ¶ 18. When a daily update record fails validity testing because it cannot be matched to the Master Street Address Guide (“MSAG”), BellSouth faxes the resulting error files back to the originating CLEC for investigation, correction, and resubmission. *Id.* The CLEC is then responsible for resubmitting the subscriber information to Intrado. *Id.*

Finally, BST’s performance measures for 911 services further demonstrate that BST is providing nondiscriminatory access to 911 and E911 services. *See Varner Ga. Aff.* ¶ 260 (PMs F.8.1; F.8.2; F.8.3); *Varner La. Aff.* ¶ 266 (PMs F.8.1; F.8.2; F.8.3).

## **2. Directory Assistance/Operator Services**

BellSouth’s Directory Assistance (“DA”) offerings allow CLECs (facilities-based carriers as well as resellers) to obtain nondiscriminatory access to DA, DA call completion, call branding, and call rating services. *See generally Coutee Aff.* (App. A, Tab F); *Milner Aff.* ¶¶ 99-229. As described in the *Second Louisiana Order*, BellSouth offers CLECs an array of methods for providing DA services through use of BellSouth’s facilities. *Second Louisiana Order* ¶ 242. A CLEC can elect (1) to provide DA services to its own customers directly; (2) to route its customers’ DA calls to a third-party provider; or (3) to have BellSouth provide these services on its behalf. *Milner Aff.* ¶ 204.

BellSouth offers CLECs in Georgia and Louisiana access to its DA offerings on a nondiscriminatory basis. *Id.* ¶ 205. Where a CLEC has opted to have BellSouth provide DA services, the CLEC’s customers obtain DA through the same dialing arrangements used by

BellSouth's own customers. *Coutee Aff.* ¶ 10. These calls are handled in the same manner as those originated by a BellSouth retail customer – that is, by use of the same operators, automated systems, and databases. *Id.* ¶ 10. In fact, unless the CLEC has ordered customized branding, which is discussed below, the BellSouth operator has no way of identifying the caller's local service provider. *Id.* This anonymity ensures nondiscriminatory access to its DA services. *See* 47 C.F.R. § 51.217.

CLECs that choose to provide their own DA services can obtain direct, nondiscriminatory access to BellSouth's DA database by one of two methods. First, BellSouth's Direct Access Directory Assistance Service ("DADAS") provides direct on-line access to the BellSouth DA database for individual inquiries. *Milner Aff.* ¶ 204; *Coutee Aff.* ¶ 11. In the *Second Louisiana Order*, this Commission found that BellSouth's DADAS offered nondiscriminatory access and, accordingly, met the requirements of the *Second Local Competition Order*.<sup>85</sup> *See Second Louisiana Order* ¶ 248. Because BellSouth currently utilizes the same DADAS system in Georgia and Louisiana that the Commission found compliant in the *Second Louisiana Order*, BellSouth continues to provide nondiscriminatory access to DADAS in Georgia and Louisiana. *Milner Aff.* ¶ 204. BellSouth additionally offers a Directory Assistance Database Service ("DADS"), which allows competing carriers to incorporate the subscriber listing information contained in the BellSouth DA database into their own databases. *Id.*; *Coutee Aff.* ¶ 11. Consistent with the *Second Louisiana Order* (¶ 249), BellSouth now provides requesting carriers access to all subscriber listings in its databases, including those from CLECs and independent carriers. *Id.*

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<sup>85</sup> Second Report and Order and Memorandum Opinion and Order, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 19392



BellSouth's Operator Services ("OS") include alternate billing services, dialing assistance and instructions, verification/interruption of a busy line, operator transfer service, and operator call processing services. *Milner Aff.* ¶ 208. OS calls from BellSouth's retail customers and from CLECs' customers are processed in exactly the same manner, ensuring that all customers in Georgia and Louisiana receive identical performance. *Coutee Aff.* ¶ 13.

In the *Second Louisiana Order*, the Commission held that, in future applications, if BellSouth chose to rely on performance data to demonstrate its compliance with this checklist item, "it should either disaggregate the data or explain why disaggregation is not feasible or is unnecessary." *Second Louisiana Order* ¶ 245.

BellSouth does not disaggregate DA and OS performance data between BellSouth end-user customers and CLEC end-user customers. Such disaggregation is unnecessary to establish nondiscrimination because BellSouth's provision of DA and OS to CLECs is at parity by design. *See Milner Aff.* ¶¶ 212-214; *LPSC Staff Final Recommendation* at 101 ("[b]ecause calls are not differentiated between BellSouth retail calls and CLEC calls, there is no need to disaggregate performance data between the type of calls"). The flow of service orders to DA or OS platforms is exactly the same regardless of the source of the service order. *Id.* ¶ 214. In other words, BellSouth's systems do not distinguish between CLEC-originated and BellSouth-originated calls, eliminating any possibility of disparate treatment. Given that nondiscriminatory treatment is designed into BellSouth's systems and processes, the aggregate performance data provided by BellSouth accurately reflect the service that CLECs' end users receive. Like BellSouth, SWBT does not disaggregate its performance data for OS/DA, and the Commission found SWBT's

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(1996).

OS/DA offerings compliant with this checklist item in the Texas Application. *See Texas Order* ¶ 349.

Over a three-month period from May to July 2001, the average answer speed of BellSouth's DA systems was 5.26 seconds in Georgia and 4.50 seconds in Louisiana, and over 94% of DA calls were answered within ten seconds in Louisiana during the same period, while over 83% of such calls were answered within ten seconds in Georgia. *See Varner Ga. Aff.* ¶ 261 (F.7.1 & F.7.2); *Varner La. Aff.* ¶ 267 (F.7.1 & F.7.2). In the same three-month period, the average answer speed of BellSouth's OS systems was 2.35 seconds in Georgia and 5.37 seconds in Louisiana; over 92% of OS calls were answered within ten seconds in Georgia, and over 95% were answered within the same time period in Louisiana. *See Varner Ga. Aff.* ¶ 261 (F.6.1 & F.6.2); *Varner La. Aff.* ¶ 267 (F.6.1 & F.6.2).

In compliance with the *Second Louisiana Order*, BellSouth provides nondiscriminatory access to carrier-specific branding, or removal of the BellSouth brand alone, for OS/DA calls. *Second Louisiana Order* ¶ 247; *see Milner Aff.* ¶¶ 215-229; *LPSC Staff Final Recommendations* at 102. BellSouth brands OS/DA calls originating from CLEC customers in the same manner that it brands calls for OS/DA services from its own customers. *See Milner Aff.* ¶¶ 215-218; *Coutee Aff.* ¶ 10. BellSouth provides CLECs a variety of branding options: LCC, AIN and Originating Line Number Screening ("OLNS"). The LCC and AIN options are the same methods that were offered by SWBT in Texas when the Commission granted SWBT's application for long-distance relief in that state. *See Texas Order* ¶ 349.

As discussed previously in this Application under Checklist Item 6, the LCC and AIN methods are different forms of customized routing through which CLECs may brand their calls. In addition, BellSouth provides CLECs with an additional means to brand end-users' calls –

OLNS. While OLS is not a type of customized routing, it is a method of providing customized branding in addition to the LCC and AIN methods. *Milner Aff.* ¶ 224. OLS provides a means of making information available to the OS/DA platform about the end user originating a telephone call. OLS allows end-users' calls to proceed from the end office switches to BellSouth's OS/DA platform over common trunk groups (that is, a single trunk group between an end office switch and the OS/DA platform carrying multiple service providers' traffic, including calls from BellSouth's retail customers). Once the call arrives at the OS/DA platform, OLS is used to "look up" the telephone number of the calling party in its database to determine whether and how to brand a call from that particular end user. *Id.* BellSouth completed its deployment of OLS in Georgia on December 31, 2000, and in Louisiana on June 6, 2001. *Id.* ¶ 228.

BellSouth is fully compliant with Checklist Item 7. BellSouth has remedied the concerns of the Commission raised in the *Second Louisiana Order* and continues to provide CLECs with nondiscriminatory access to 911/E911.

#### **H. Checklist Item 8: White Pages Directory Listings for CLEC Customers**

In the *Second Louisiana Order*, the Commission determined that BellSouth's procedures for providing White Pages listings satisfied the requirements of Checklist Item 8. *See Second Louisiana Order* ¶¶ 252-258. BellSouth currently uses the same system for generating nondiscriminatory White Pages listings in Georgia and Louisiana as it did in its *Second Louisiana Application*, and has not made any material changes that would call BellSouth's continued compliance into question. *Hudson Aff.* ¶¶ 6-7 (App. A, Tab J).

BellSouth makes White Pages listings available for the end users of both resellers and facilities-based CLECs at no charge. *See id.* ¶ 7. BellSouth additionally delivers copies of its

White Pages directories to CLEC customers free of charge, and at the same time it delivers the directories to its own retail customers. *Id.* ¶¶ 7, 12.

BellSouth obtains directory publication services from its affiliate, BellSouth Advertising & Publishing Corporation (“BAPCO”). *Id.* ¶ 7. CLECs have the same listing options for their customers as BellSouth offers to its retail customers. *Milner Aff.* ¶ 230.

CLEC listings are processed and updated in BellSouth’s White Pages database in exactly the same manner as listings for BellSouth’s retail customers. *Hudson Aff.* ¶ 13.<sup>86</sup> CLECs with contracts with BAPCO receive, at no charge, a schedule of all directories, including when the directory closes and when it will be delivered. *Hudson Aff.* ¶ 22. BellSouth offers free training to CLEC employees involved in processing listing orders and provides competing carriers with detailed instructions outlining the procedures for submitting a listing request and describing the proper format for these submissions. *Id.* ¶¶ 23-24.

BAPCO reviews all customer listings for errors in the same manner and without regard to carrier. *Id.* ¶ 20. When BAPCO is responsible for the error, it undertakes to rectify the error to ensure it does not recur. *Id.* ¶ 21. If the CLEC is responsible, BAPCO provides the necessary feedback to ensure the CLEC corrects the error. *Id.*

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<sup>86</sup> In the proceedings before the Georgia PSC and Louisiana PSC, one commenter alleged that its directory listings in Augusta, Georgia were misplaced, that BellSouth had changed its procedures for submitting listings without notice, and that BellSouth had printed incorrect numbers for a few of the commenter’s customers in BellSouth’s most recent White Pages listing. *See*, Comments of KMC Telecom, Inc. at 8-9, Docket No. 6863-U (Ga. Pub. Serv. Comm’n filed May 31, 2001) (App. C-Ga., Tab 36). The Hudson affidavit accompanying this Application fully addresses KMC Telecom’s concerns and demonstrates that they in no way support a conclusion that BellSouth has not complied with this checklist requirement. *See Hudson Aff.* ¶¶ 26-31; *see also LPSC Staff Final Recommendations* at 104 (“[s]taff . . . does not believe that the isolated events indicate a systemic failure that would overturn our previous finding.”).

Through contractual arrangements with BAPCO, CLECs can verify the presence of their customers' listings, as well as the listings' accuracy, by requesting a Directory Review Listings Report. *Id.* These printouts are provided annually free of charge to requesting CLECs. *Id.* In addition, BAPCO provides CLECs with a Confirmation Order following the processing of every order. By comparing the Confirmation Order received with the original order sent, CLECs can also verify the accuracy of their listings for each directory. *Id.*

BellSouth fully integrates CLEC subscriber listings with those of its own retail customers. *Id.* ¶ 15. The BellSouth White Pages directories do not classify, identify, or distinguish BellSouth and CLEC customers in any manner. *Id.* ¶ 16. All entries appear in the same font and character size, such that the listings of BellSouth and CLEC customers look identical. *Id.*

#### **I. Checklist Item 9: Nondiscriminatory Access to Telephone Numbers**

When it served as Central Office ("CO") code administrator in its region, BellSouth satisfied the requirement of Checklist Item 9 by following number administration guidelines published by the Industry Numbering Committee. *See generally Milner Aff.* ¶¶ 231-237; *see also Second Louisiana Order* ¶ 264 (finding that BellSouth fully complied with the requirements of Checklist Item 9 during period when it served as CO code administrator). Pursuant to those industry-standard procedures, BellSouth assigned 2,141 NXX CO codes to CLECs in its nine-state region, representing 21.4 million telephone numbers. *Milner Aff.* ¶ 233. BellSouth provided nondiscriminatory access to telephone numbers in Georgia and Louisiana, and throughout its region, by developing and applying identical standards and procedures for processing all number requests, without regard to the requesting carrier's identity. *Id.* BellSouth did not reject any requests for NXX code assignments, other than in the course of

implementing jeopardy plans for number conservation that had been developed by consensus during Industry Jeopardy Meetings. *Id.* Likewise, BellSouth has never charged for NXX provisioning or activation. *Id.* ¶ 236.

In July and August 1999, Lockheed Martin assumed CO code administration and assignment responsibilities in BellSouth's operating region, and BellSouth has had no responsibility for number administration since that time. *Id.* ¶¶ 231, 234. Although it is no longer a CO code administrator and no longer performs any functions with regard to number administration or assignment, BellSouth continues to adhere to all relevant industry guidelines and Commission rules in both Georgia and Louisiana, including the provisions for submitting NXX code requests, entering code information into the appropriate national databases, activating NXX codes assigned to service providers in BellSouth's territory, filing semi-annual Number Resource Utilization Forecast Reports, and making available BellSouth NXX codes that are no longer in use. *Id.* ¶¶ 234, 237. BellSouth has additionally established a single point of contact (or "SPOC") for NXX activation and for trouble reporting, ensuring the smooth provisioning and testing of CLEC NXX codes. *Id.* ¶ 235. BellSouth thus complies with Checklist Item 9. Indeed, no CLEC contended otherwise in its comments to the LPSC or GPSC in those state commissions' recent section 271 proceedings.

**J. Checklist Item 10: Nondiscriminatory Access to Signaling and Call-Related Databases**

In the *Second Louisiana Order*, the Commission held that BellSouth had demonstrated that it was providing nondiscriminatory access to signaling and call-related databases in Louisiana. *Second Louisiana Order* ¶¶ 267-273; 47 U.S.C. § 271(c)(2)(B)(x). Since BellSouth currently employs the same relevant systems, processes, and procedures in Georgia and Louisiana as it did in Louisiana at the time of the *Second Louisiana Application*, BellSouth also

provides nondiscriminatory access to signaling and call-related databases in those states today. *Milner Aff.* ¶ 239. Again, no CLEC disputed BellSouth's compliance with these requirements in its comments to the Louisiana and Georgia PSCs in their recent section 271 proceedings.

Signaling. CLECs in Georgia and Louisiana have nondiscriminatory access to BellSouth's SS7 network. *Milner Aff.* ¶¶ 240-247. A CLEC can use BellSouth's SS7 network for signaling between the CLEC's switches, between the CLEC's switches and BellSouth's switches, and between the CLEC's switches and the network of other parties connected to BellSouth's SS7 network. *Id.* ¶¶ 242, 245. This SS7 network includes Signaling Links (dedicated transmission paths carrying signaling messages between switches and signaling networks) and Signal Transfer Points ("STPs") (signaling message switches that interconnect Signaling Links to route signaling messages between switches and databases). *Id.* ¶¶ 242-245. Whenever CLECs purchase unbundled switching, they automatically obtain the same access to the SS7 network as BellSouth has. *Id.* ¶ 243. CLECs that deploy their own switching facilities are able to access BellSouth's SS7 network for each of their switches through a signaling link between their switches and BellSouth's STP in the same manner as BellSouth. *Id.* ¶¶ 245, 274.

Databases. Consistent with the Commission's rules, BellSouth provides CLECs access to all call-related databases. These databases include BellSouth's Line Information Database ("LIDB"), Toll Free Number Database, Calling Name Delivery ("CNAM") Database, Number Portability Database, and AIN Databases. *Id.* ¶¶ 248-274. In addition, BellSouth provides access to a Service Control Point ("SCP"), which is a network facility in which call-related databases reside. *Id.* ¶ 249. BellSouth provides access to these databases on a nondiscriminatory basis and in a manner that complies with the requirements of section 222 of the Communications Act. *Id.* ¶¶ 272, 274.

Whenever a CLEC deploys its own switching system, it receives access to these databases through BellSouth's SS7 network, which handles CLEC and BellSouth queries without distinction. *Id.* ¶¶ 253, 261. In that case, the same features, functions, and capabilities available to BellSouth are available to that CLEC. *Id.* ¶¶ 250 (LIDB), 251-253 (CNAM database), 257-261 (Toll Free Number and Number Portability), 223 (AIN database). When a CLEC purchases unbundled local switching from BellSouth, it has exactly the same access as BellSouth to these databases. *Id.* ¶ 262.

AIN. AIN access allows CLECs to develop service applications utilizing BellSouth's AIN and to deploy those application using BellSouth's SCPs. *Id.* ¶ 266. BellSouth provides access to its AIN database through its AIN Toolkit and AIN Service Management System ("SMS"). *Id.* These services allow a CLEC to develop and deploy AIN services in exactly the same manner as BellSouth. *Id.* Thorough testing has confirmed these systems' functional availability as well as the accuracy of BellSouth's billing for these offerings. *Id.* ¶ 268.

SMS. BellSouth provides nondiscriminatory access to the SMS associated with each of the databases described above in accordance with 47 C.F.R. § 51.319(e)(3). *Id.* ¶ 271.

The fact that BellSouth is providing nondiscriminatory access to its call-related databases is evidenced by the commercial usage of the databases. For example, BellSouth's region-wide LIDB processed more than 1.7 billion queries from CLECs and others during the period from January 1997 through May 2001. *Id.* ¶ 250. As of July 1, 2001, BellSouth had 100 CNAM database customers, consisting of both CLECs and independent LECs, across BellSouth's region. *Id.* ¶ 254. From January 1997 through July 2001, CLECs and other service providers across BellSouth's region have completed billions of queries to BellSouth's Toll Free Number database. *Id.* ¶ 263. This evidence makes clear that BellSouth's databases are being used by CLECs.



Finally, as the affidavits of Alphonso Varner indicate, BellSouth's performance results for average database update intervals, update accuracy database, and NXXs loaded by LERG effective date, all demonstrate that CLECs in Georgia and Louisiana receive nondiscriminatory access to BellSouth's databases. *See Varner Ga. Aff.* ¶ 262 (F.13.1; F. 13.2; F.13.3); *Varner La. Aff.* ¶ 268 (F.13.1; F. 13.2; F.13.3).

#### **K. Checklist Item 11: Number Portability**

Local number portability ("LNP") enables customers of facilities-based CLECs to retain their existing telephone number even after they no longer subscribe to BellSouth's local service. BellSouth ensures that CLECs' customers won from BellSouth are able to retain their telephone numbers without impairment of quality, reliability, or convenience. *See Bolden Aff.* ¶ 6 (App. A, Tab C); *New York Order* ¶ 367. Every number ported by BellSouth represents one or more BellSouth lines lost to a CLEC – proving the CLECs' ability to compete directly against BellSouth. In Georgia, as of August 31, 2001, BellSouth had ported 455,297 access lines using LNP; in Louisiana, as of the same date, BellSouth had ported 136,733 access lines. *Bolden Aff.* ¶ 14. Region-wide, BellSouth had ported 2,239,343 access lines as of the same date. *Id.*

In its First Report and Order<sup>87</sup> and First Memorandum Opinion and Order on Reconsideration<sup>88</sup> in its *Telephone Number Portability* docket, this Commission adopted certain requirements that local exchange carriers must meet when implementing LNP. BellSouth has met all these requirements. BellSouth has provided number portability through the use of the Location Routing Number ("LRN") methodology, which this Commission found would satisfy

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<sup>87</sup> First Report and Order and Further Notice of Proposed Rulemaking, *Telephone Number Portability*, 11 FCC Rcd 8352 (1996).

<sup>88</sup> First Memorandum Opinion and Order on Reconsideration, *Telephone Number Portability*, 12 FCC Rcd 7236 (1997).

its performance criteria. BellSouth has met the implementation schedule for permanent number portability established in the Commission's orders, as modified at BellSouth's request. In addition, BellSouth has proactively worked with the industry to expand the implementation of LNP beyond the scope of the Commission's initial order. Finally, BellSouth has processed bona fide LNP service requests in accordance with the Commission rules and regulations. *Bolden Aff.* ¶ 6.

The Commission initially directed that LNP be implemented in the 100 largest Metropolitan Statistical Areas ("MSAs"), based on a five-phase MSA deployment schedule that began October 1, 1997 and concluded December 31, 1998. Upon request from BellSouth, the Commission concluded that additional time to implement number portability was warranted and granted a series of waivers to BellSouth that modified the implementation dates of LNP. The Commission's mandatory modified LNP deployment schedule for BellSouth extended Phase I, II, III, and IV MSAs. BellSouth successfully completed the deployment of LNP for Phases I-V for the top 21 MSAs within the BellSouth territory. The Atlanta MSA was included in Phase I of the Commission's schedule, New Orleans was included in Phase III, and Baton Rouge was included in Phase V. *Id.* ¶¶ 8-9.

Although the Commission prescribed the deadlines for LNP implementation in these MSAs, it did not prescribe which specific carrier switches should be equipped for LNP within each MSA. Rather, the Commission established rules for determining which switches in the top 100 MSAs should be equipped and gave state commissions responsibility for overseeing the switch selection process and reviewing switch requests to ensure that the carrier's switch requests were reasonable. Carriers in the Southeast Region Operations Workshop developed a mutually agreeable switch selection process that was applied to all MSAs in the BellSouth area.

This process was followed on a state-by-state basis for the 21 largest MSAs within the BellSouth territory. The Georgia PSC participated in the process by coordinating the selection among carriers. *Id.* ¶¶ 11-12.

By the end of the first quarter 2000, BellSouth had deployed LNP in a total of 1,452 of its 1,653 end offices (87.8%) throughout its territory. By that time, more than 97% of the access lines served by BellSouth (in excess of 26 million access lines) were LNP capable. As of August 31, 2001, all 200 BellSouth switches in Georgia were LNP capable; 197 of 232 BellSouth switches in Louisiana were LNP capable by the end of the first quarter 2000, and the remaining 35 are scheduled to be LNP capable by October 31, 2001. *Id.* ¶ 14.

For most LNP orders, BellSouth mechanically issues an order that will assign a trigger to a number to be ported, once the LSR has been accepted as complete. *Milner Aff.* ¶ 280. For certain complex orders – including Direct Inward Dialing and Private Branch Exchange numbers – BellSouth’s process calls for formation of a project team to handle the conversion; the project team ensures that such orders are handled properly and that the conversions are accurately handled. *Id.* ¶¶ 280-81.

BellSouth has agreed to implement ten-digit Global Title Translation in its SS7 network to permit calling party identification. *Id.* ¶ 284. That implementation is now complete in Georgia and is underway in Louisiana, where it will be complete by October 12, 2001. *Id.*

The GPSC and LPSC have established performance measures to capture BellSouth’s provisioning of both permanent and interim number portability (“INP”). With relatively few exceptions, BellSouth has met the benchmarks established by the GPSC and LPSC for those sub-metrics for which data are available. *See Varner Ga. Aff.* ¶¶ 264-273; *Varner La. Aff.* ¶¶ 271-279. For instance, in the non-dispatch category, in July BellSouth provided CLECs in Georgia

with an average order completion interval of 0.64 days compared with the retail analog of 0.95 days. *See Varner Ga. Aff.* ¶ 266. There were no held orders in July. *See id.* BellSouth met the retail analog for percent missed installation appointment sub-metrics for LNP Stand-Alone in each of the three months in Georgia. *See id.*

The performance in Louisiana is similarly strong. In July, for instance, the average order completion interval for CLECs was 0.65 days compared to 1.02 for BellSouth. *See Varner La. Aff.* ¶ 272. There were no held orders during that month. *See id.* BellSouth also met all the retail analogs for missed installation appointments for May, June, and July, except for one July sub-metric where BellSouth still missed only one of 263 (0.38%) appointments. *See id.* ¶ 276. As the LPSC Staff explained in its recommendation, BellSouth has addressed CLEC concerns about number portability during the Collaborative Workshops. *See LPSC Staff Final Recommendation* at 107. While some parties still raised anecdotal complaints regarding LNP performance (particularly reassignment of numbers that have been ported to CLECs), BellSouth demonstrated in those proceedings that it had addressed that problem. *See id.*; *Varner Affs.* Exh. PM-2 (B.2.18.17.1.2).

BellSouth's calculations do not include the disconnect timeliness performance measurement because that measure does not reflect actual customer experience. As explained in the Varner affidavits, and noted above, for the great majority (generally over 90%) of LNP orders, BellSouth uses a trigger to effectuate an LNP conversion. The current measure, however, does not recognize the significance of the trigger. Instead, the measure calculates the interval from BellSouth's receipt of the NPAC "activate" message to the completion of the disconnect order in the host switch, even though, from an end-user's perspective, the disconnect activity is meaningless. *See Varner Ga. Aff.* ¶¶ 45-48. BellSouth has explained this problem to the GPSC,

which has authorized BellSouth to report alternative measures based on those that SWBT reports in Texas until it reaches a final determination on this issue. *See id.* ¶ 49. The Louisiana SQM requires BellSouth to report two of those alternative measures – average time out of service and percent of time that the trigger is applied within the due date – and establishes performance benchmarks. *See Varner Affs.* Exh. PM-13. The GPSC has not yet established any performance benchmarks. The data reported in for Georgia in June and July met the Louisiana benchmarks for both time out of service and percent of time that the trigger is applied within the due date. *See Varner Ga. Aff.* ¶ 267. The data in Louisiana for June showed that BellSouth easily met the benchmark for average time out of service; BellSouth missed the benchmark for percent of time that the trigger is applied by only one-half percent. *See Varner La. Aff.* ¶ 279. This performance demonstrates that BellSouth is delivering non-discriminatory performance with respect to these measures. *Id.*

In its *Second Louisiana Order*, the Commission found that BellSouth had not satisfied Checklist Item 11, in part, because of BellSouth's failure to demonstrate that it was "adequately coordinating unbundled loops with its provision of number portability." *Second Louisiana Order* ¶ 279. To address that concern, the Commission required BellSouth to present performance data on the average completion intervals for number portability ordered without unbundled loops and the average completion intervals for number portability ordered in conjunction with unbundled loops. *Id.* ¶ 283. In keeping with the Commission's instructions, BellSouth reports average order completion interval data for stand-alone unbundled loops, as well as unbundled loops with both INP and LNP. *See Varner Affs.* Exh. PM-4 (B.2.1). As discussed above, BellSouth's performance for INP and LNP related sub-metrics demonstrates

that BellSouth's implementation of number portability gives competitors a meaningful opportunity to compete in Georgia and Louisiana.

BellSouth has worked diligently to implement LNP. BellSouth has met the Commission's implementation dates for LNP and has been successful in proactively implementing LNP throughout Georgia, Louisiana, and the entire BellSouth region. BellSouth has complied with all applicable requirements concerning LNP, and the Commission should find that BellSouth has satisfied Checklist Item 11.

**L. Checklist Item 12: Local Dialing Parity**

BellSouth satisfies the requirements of Checklist Item 12, as the Commission recognized in its *Second Louisiana Order* (¶¶ 296-297). BellSouth currently uses the same processes in Georgia and Louisiana that it used in Louisiana at the time of that order, and no material changes have been made that could call BellSouth's continued compliance into question. *Milner Aff.* ¶¶ 287-289; *Ruscilli/Cox Joint Aff.* ¶¶ 63-66. No CLEC disputed BellSouth's compliance with this checklist item in its comments in the Louisiana and Georgia PSCs' section 271 proceedings.

This Commission has held "that local dialing parity will be achieved upon implementation of the number portability and interconnection requirements of section 251."<sup>89</sup> In BellSouth's service territory, BellSouth does not impose any requirement or technical constraint that requires CLEC customers to dial any greater number of digits than BellSouth customers to complete the same call, or causes CLECs' local service customers to experience inferior quality regarding post-dial delay, call completion rate, or transmission quality as compared to BellSouth's local service customers. *See Milner Aff.* ¶ 243. BellSouth is not aware of any

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<sup>89</sup> *Second Local Competition Order* ¶ 71.

complaints from CLECs or their customers regarding dialing parity. *Id.* The Commission should again conclude that BellSouth satisfies Checklist Item 12.

**M. Checklist Item 13: Reciprocal Compensation**

Checklist Item 13 requires that a BOC implement “[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)(2).” In the *Texas Order*, the Commission found SWBT in compliance with this checklist item because it “(1) has in place reciprocal compensation arrangements in accordance with section 252(d)(2), and (2) is making all required payments in a timely fashion.” *Texas Order* ¶ 379 (footnote omitted). In the *Second Louisiana Order*, the Commission also found BellSouth in compliance with these obligations. *Second Louisiana Order* ¶¶ 299-303.<sup>90</sup> BellSouth remains in compliance with this item in Louisiana, and is compliant in Georgia as well.

In accordance with sections 271 and 252(d)(2), and under the supervision of the GPSC and the LPSC, BellSouth has established just and reasonable rates for reciprocal compensation, thereby ensuring that CLECs and BellSouth receive mutual and reciprocal recovery of costs associated with the transport and termination of local calls. *See Ruscilli/Cox Joint Aff.* ¶ 69; *cf. Kansas/Oklahoma Order* ¶¶ 248-249 (BOCs must implement arrangements with CLECs by which the parties compensate each other for termination of traffic exchanged between their networks). The GPSC approved lawful rates for reciprocal compensation in Docket No. 7061-U; the LPSC approved such rates in Docket No. U-24714(A). *See Ruscilli/Cox Joint Aff.* ¶ 77. In accordance with this Commission’s determinations in the *ISP Remand Order*, BellSouth has offered CLECs the opportunity to exchange local traffic at the rates that the FCC set for Internet-

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<sup>90</sup> The Commission explicitly has held that reciprocal compensation for Internet-bound traffic is not a checklist item. *New York Order* ¶ 377; *Texas Order* ¶ 386.

bound traffic. *See id.* ¶ 75; Order on Remand and Report and Order, *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Intercarrier Compensation for ISP-Bound Traffic*, 16 FCC Rcd 9151, ¶ 89 (2001). CLECs may continue to exchange local traffic at state-established rates if they prefer. *See Ruscilli/Cox Joint Aff.* ¶ 76. BellSouth makes reciprocal compensation payments to CLECs in a timely fashion in both Georgia and Louisiana. *Ruscilli/Cox Joint Aff.* ¶ 68; *Second Louisiana Order* ¶¶ 299, 302.

BellSouth's actions and performance at this time in both Georgia and Louisiana are consistent with the showing upon which the Commission previously relied in determining that the statutory requirements for the checklist item were met. *See Ruscilli/Cox Joint Aff.* ¶ 68. This Commission should reaffirm that BellSouth is in compliance with Checklist Item 13.

#### **N. Checklist Item 14: Resale**

Section 271(c)(2)(B)(xiv) of the Act requires a BOC to make “[t]elecommunications services . . . available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3).” 47 U.S.C. § 271(c)(2)(B)(xiv). In the *Second Louisiana Order*, this Commission concluded that, but for deficiencies in its OSS, BellSouth demonstrated that it provided resale in accordance with the requirements of this checklist item. *Second Louisiana Order* ¶ 319. As demonstrated under Checklist Item 2, and below, BellSouth has addressed that issue and in all other respects still offers its telecommunications services for resale in conformance with the requirements of the 1996 Act in both Georgia and Louisiana. *See Ruscilli/Cox Joint Aff.* ¶¶ 78-97.

Indeed, aside from the OSS issues, there has been no material change in BellSouth's offering for this checklist item in Louisiana. *See id.* ¶¶ 80-81. As noted by the LPSC Staff, no party to the proceedings before that state commission made any “serious contention” that